

**REMARKS**

This Amendment is in response to the Notice of Non-Compliant Amendment mailed July 17, 2007. The Notice of Non-Compliant Amendment was issued in response to an Amendment filed on April 25, 2007 in response to an Office Action dated January 25, 2007. This corrected Amendment lists claim 55 as ORIGINAL and not as WITHDRAWN. Applicant thanks the Examiner for pointing out this error.

All rejections and objections are respectfully traversed.

Claims 1-77 are pending.

Claims 22-50 have been withdrawn.

Claims 59-77 have been added to better claim the invention.

The Examiner rejected claims 1-21 and 51-58 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,088,683 ("Jalili").

Applicant respectfully traverses this rejection. As claim 1 recites, in part::

A. receiving a telephone call over the telephone network that *seeks to initiate* a transaction with a target (emphasis added)

This is in distinction to Jalili, which teaches processing of transactions over two networks, namely an insecure network, such as the Internet and a telephone network. As described in Jalili, a customer initiates a transaction using a public network. Jalili, column 2, lines 15-20 states “[w]hen shopping, the customer browses for goods and services using a public network (the Internet or World-Wide Web).” Only after the transaction is initiated does the customer initiate a telephone call. As described in Jalili, column 2,

lines 40-45, “[i]n step 3, to *complete* the sale, the customer accesses the processing center using a touch-tone phone...” (emphasis added). Thus, in the system described in Jalili, the telephone call is utilized to *complete* a transaction, which differs from the claimed “receiving a telephone call over the telephone network that *seeks to initiate* a transaction.” Thus, Jalili does not teach the claimed element of “receiving a telephone call over the telephone network that *seeks to initiate* a transaction with a target.”

Similarly, independent claim 11 includes the element of “a call placed at a first location on the network and identifying a transaction to be undertaken.” This is in distinction to Jalili, where the processing center identifies the transaction to be performed. For example, in Jalili, column 2, lines 49-53 states “In step 4, upon recognizing the customer, the processing center lists all outstanding invoices and gives the customer the opportunity to make a selection and thereby express intent to complete the sale.” As Jalili teaches that the processing center identifies the transaction to be undertaken, Jalili does not anticipate claim 11.

Independent claim 56 includes the element of “receiving a telephone call over the telephone network that seeks to initiate a transaction with the called party.” Again, this is in distinction to Jalili, which requires the transaction to be initiated via a different network from the phone network. As described above in reference to claim 1, Jalili teaches a system where the telephone call is utilized to only *complete* a transaction and not *initiate* the transaction as in the claimed invention.

Furthermore, independent claim 19 is directed to an apparatus for “facilitating transactions *initiated* over a telephone network.” (emphasis added) This is in distinction

to Jalili, where transactions are initiated using a public network and completed using a telephone network.

Claims 2-10, 11-18, 20-21, 51-55 and 57-58 are believed to be allowable at least because they depend upon an allowable base claim.

Applicant believes all claims are in condition for allowance. Favorable action is requested.

The Examiner is invited to contact the undersigned attorney by telephone to advance the prosecution of this matter.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

---

/Duane H. Dreger/  
Duane H. Dreger  
Reg. No. 48,836  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500